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Letter dated 5 October 2012 from the Permanent Representative of Canada to the United Nations addressed to the President of the Security Council

I am addressing you in your capacity as President of the Security Council regarding the briefing of the Council by the Special Court for Sierra Leone, on 9 October 2012. As Chair of the Management Committee of the Special Court for Sierra Leone, I request that the attached letter from the President of the Special Court, dated 4 October 2012, and the Report on the Special Court for Sierra Leone: activities, achievements and completion of its mandate, be issued as a document of the Council (see annex). I believe that Council members may find this report useful in preparing for the briefing by the Special Court for Sierra Leone on 9 October 2012.

(*Signed*) Guillermo E. **Rishchynski**
Ambassador
Permanent Representative

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Annex to the letter dated 5 October 2012 from the Permanent Representative of Canada to the United Nations addressed to the President of the Security Council

Letter dated 4 October 2012 from the President of the Special Court for Sierra Leone addressed to the President of the Security Council

I have the honour to transmit herewith information on the current status of the Special Court's work and the completion of its mandate (see enclosure). I hope that this will be useful to Council members in preparation for the briefing to be held on Tuesday, 9 October.

I would be grateful if this information could be circulated to members as a document of the Security Council.

(*Signed*) Justice Shireen Avis **Fisher**
President
Special Court for Sierra Leone

Enclosure

Report on the Special Court for Sierra Leone: activities, achievements and completion of its mandate

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I. Introduction

1. The Special Court for Sierra Leone expects to successfully complete its mandate by 30 September 2013. It will then transition to its residual status and close its doors. It will be the first international criminal tribunal to do so.

2. The present report sets out the major progress made towards completion of the Special Court's mandate since its last briefing to the Security Council on 16 July 2009 (S/PV.6163). It describes the judicial activities completed since that time, details the Court's other achievements in fulfilment of its mandate and explains what measures have been taken to prepare for the closure of the Court upon completion of its mandate, including measures to create and ensure a smooth transition to the Residual Special Court for Sierra Leone.

3. The report also includes a summary of the remaining tasks before the Special Court and its projected schedule for the completion of those tasks.

II. Judicial activities

A. Main cases

4. In 2008, the Special Court completed two of its four main cases — those involving the leaders of the Civil Defence Forces (CDF) and the Armed Forces Revolutionary Council (AFRC). The trial phases in both those proceedings commenced in March 2003. The complete trial judgement in the *AFRC* case was issued on 19 July 2007 and the Appeals Chamber issued its final judgement on 22 February 2008. The Appeals Chamber upheld the convictions of all three accused entered by the Trial Chamber and the sentences imposed of 50, 50 and 45 years of imprisonment. The complete trial judgement in the *CDF* case was issued on 9 October 2007 and the Appeals Chamber issued its final judgement on 28 May 2008. The Appeals Chamber reversed some convictions entered by the Trial Chamber, upheld other convictions, entered new convictions for both accused and imposed sentences of 20 and 15 years of imprisonment.

5. The third major case before the Special Court, involving the leaders of the Revolutionary United Front (RUF), was completed in October 2009. The trial phase in that proceeding commenced in July 2004. The complete trial judgement was issued on 8 April 2009 and the Appeals Chamber issued its final judgement on 26 October 2009. The Appeals Chamber reversed some convictions entered by the Trial Chamber, upheld the other convictions of all three accused and upheld the sentences imposed of 52, 40 and 25 years of imprisonment.

6. The last major case before the Special Court, *Prosecutor v. Charles Ghankay Taylor*, is now in its final phase. The presentation of evidence in that proceeding commenced in January 2008. The complete trial judgement was issued on 30 May 2012. The Trial Chamber found Mr. Taylor individually criminally responsible for aiding and abetting and planning crimes contained in all 11 counts of the indictment. It imposed a sentence of 50 years of imprisonment.

7. The final determination as to Mr. Taylor's guilt or innocence will be made by the Appeals Chamber when it enters its final judgement. Appellate proceedings commenced with the filing of notices of appeal by both parties on 19 July 2012.

Cumulatively, the Prosecution and Mr. Taylor have submitted 49 grounds of appeal against the trial judgement. The parties challenge, inter alia, the Trial Chamber's assessment of the evidence, its findings on Mr. Taylor's criminal liability and the sentence it imposed. The Prosecution and Mr. Taylor have both raised complex issues of law and fact for review. Written submissions by the parties will be filed by 30 November 2012 and the Appeals Chamber will commence its deliberations thereafter. It will also consider and decide preliminary matters and other issues raised by the parties during the appellate proceedings.

8. The trial record to be reviewed by the Appeals Chamber is unquestionably substantial. The indictment charged Mr. Taylor with 11 counts, covering a broad temporal scope and wide geographic area. There were 420 trial days, during which 115 witnesses were heard, 1,521 exhibits were admitted and 49,000 pages of transcript were produced. There were 1,279 further filings and decisions, totalling 38,069 pages.

9. In the light of the foregoing considerations, it is projected that the Appeals Chamber will issue its final judgement as to Mr. Taylor's guilt or innocence by 30 September 2013. It should be noted that the Appeals Chamber has consistently met its projected completion dates in all prior cases.

B. Contempt cases

10. The successful administration of justice demands the protection of witnesses and adherence to witness protection measures ordered by the Special Court. The Court has also made a commitment to witnesses that they will be protected; it must honour this commitment. One case of contempt of court was recently completed and two contempt of court cases are currently under way. The Court has retained the services of independent counsel for these contempt matters on a pro bono basis.

11. The case of *Independent Prosecutor v. Eric Senessie* was completed in August 2012 and the accused was sentenced to a term of imprisonment of two years. Trial proceedings commenced and were completed in June 2012. The single judge entered convictions on eight counts of contempt of court and imposed a sentence of two years imprisonment. The accused did not appeal the trial judgement, which then became final.

12. Trial proceedings in the case of *Independent Prosecutor v. Bangura, et al.*, are currently under way. The order in lieu of indictment against the four accused was issued by the Trial Chamber on 24 May 2011, charging the accused with three counts of contempt of court. One accused pleaded guilty to the charges. Trial proceedings against the remaining three accused commenced in June 2012 and were completed on 6 September 2012. On 1 October 2012, the single judge issued the written trial judgement, entering convictions against the three accused on two counts of contempt of court. The sentencing judgement is expected to be issued in October 2012 and appellate proceedings, if any, will commence following the filing of notices of appeal.

13. Trial proceedings in the case *In the matter of contempt arising from the case of Prosecutor v. Charles Taylor* are currently under way. On 19 July 2012, the Decision on the prosecution motion for the Trial Chamber to summarily deal with contempt of the Special Court and for urgent interim measures was issued. The Decision

found that there was reason to believe that Lead Counsel for Mr. Taylor during the trial proceedings had committed contempt of court by disclosing information in violation of an order of the Chamber. Proceedings in this matter are under way.

C. Enforcement of sentences

14. In March 2009, the Special Court entered into an enforcement of sentences agreement with the Government of Rwanda. In August and October 2009, the President of the Special Court designated Rwanda as the place where convicted prisoners in the *AFRC*, *CDF* and *RUF* cases would serve their sentences. On 31 October 2009, the Registrar completed the transfer of the eight convicted prisoners to Rwanda. With the cooperation of the Executive Representative of the Secretary-General, United Nations Integrated Peacebuilding Office in Sierra Leone and the United Nations Mission in the Democratic Republic of the Congo, a military air transport plane and helicopter were put at the disposal of the Special Court for the purpose of transferring the prisoners and attendant security personnel from the detention facility in Freetown to the international airport in Lungi, Sierra Leone, and onwards to Kigali.

15. Pursuant to the enforcement of sentences agreement, all eight prisoners are currently serving their sentences in Mpanga Prison, in Rwanda. The prison is administered by the Rwanda Correctional Service and the Special Court works with the Office of the Commissioner-General of the Service to ensure that international standards in the prison are maintained until the Court's closure. The Residual Special Court will take on this responsibility and will continue to work with the Rwandan authorities until all the sentences have been served.

16. From 2 to 7 November 2011, the Registrar and Deputy Registrar of the Special Court made their most recent annual visit to Rwanda to meet with senior officials and with the convicted prisoners, and to inspect the conditions of detention. The Court also facilitated the travel of the Deputy Attorney-General of Sierra Leone, a representative of the Sierra Leone Human Rights Commission and a representative of Prison Watch Sierra Leone to Mpanga Prison in order to independently monitor and assess the conditions of detention.

III. Achievements in fulfilment of its mandate

A. Outreach

17. The Special Court's Outreach Section continued its internationally recognized grass-roots programme to inform the people of Sierra Leone and Liberia about the Court's work and foster a two-way dialogue to contribute to reconciliation.

18. During its mandate, the Outreach Section has successfully overcome many challenges to inform Sierra Leoneans beyond Freetown about the work of the Court and the trial process. A number of communities are isolated, with limited communications infrastructure. There are also a number of different languages and levels of literacy are low. The Section takes into account all of these factors and has designed a programme that is flexible and needs-based. A nationwide network of Outreach officers, some of whom reach many communities by motorbike, is

supported by a central office in Freetown. The Court's "grass-roots awareness campaign" provides information to rural communities through public meetings, video screenings and poster campaigns.

19. In Liberia, the Outreach Section works with a coalition of 20 civil society groups, comprising the Outreach Secretariat of Liberia. These groups work to provide information on the Special Court to people all over Liberia. The Court's outreach work in Liberia is in accordance with the mandate set for it by the Security Council in its resolution 1688 (2006).

20. Since the *Taylor* trial was conducted in The Hague, the Outreach Section screened video summaries of the trial proceedings to bring the trial closer to the people of Sierra Leone and Liberia. With funds provided by the European Commission and the MacArthur Foundation, the Section's field officers and civil society partners in Sierra Leone and Liberia screened trial summaries produced by the Section at local community gatherings in Sierra Leone and Liberia. The videos have also been shown on television in Monrovia and Freetown. The Section's Freetown-based staff and interns regularly do video screenings in the Western Area (Freetown Peninsula) of Sierra Leone. In 2010, over 450 video screenings were conducted in all 12 districts, 200 of those in Freetown and the surrounding communities, while there were more than 300 screenings in Liberia.

21. Recognizing the need to explain the work of the Special Court in lay terms, the Outreach Section issued two groundbreaking booklets, *The Special Court for Sierra Leone* and *International Humanitarian Law Made Simple*. The Section has distributed tens of thousands of copies of these booklets, which use illustrations and plain language to describe the Special Court and international humanitarian law, in Sierra Leone and Liberia. In addition, the Section printed 84 three-volume copies of the 1991 Constitution of Sierra Leone in Braille for the visually impaired, which were distributed to five schools for the blind in Freetown, Makeni, Kabala, Bo and Koidu.

22. The Outreach Section developed and continued to support "Accountability Now" Clubs at 19 universities throughout Sierra Leone and Liberia. Focusing on the broader issues of justice, accountability and human rights, the clubs are now self-supporting and will continue to educate people in the future.

23. Children — as displaced persons, victims and child soldiers — were among those most affected by a decade of conflict in Sierra Leone and they are consequently one of the Outreach Section's target groups. The Section undertakes over 150 school visits each year. Schoolchildren are an integral part of the Special Court's outreach. Each school visit is accompanied by the distribution of information materials about the Court. A very important format regularly adopted has been to use existing community events, such as the Day of the African Child, International Human Rights Day, International Women's Day and World Justice Day, for outreach events.

B. Gender issues

24. Recognizing, in particular, the atrocities committed against women and girls during the conflict, the statute of the Special Court includes crimes against women and girls, and mechanisms for gender-sensitive justice. The Court has made historic

contributions to understanding the impact of armed conflict on women and girls, reflected in its jurisprudence and its treatment of survivors as participants in post-conflict justice.

25. The Special Court's Witness and Victims Section developed witness programmes to protect women victims and respond to their specific needs. In addition to its regular work with witnesses who appear before the Court, the Section also provided critical assistance with witnesses to the Government of Sierra Leone. The Government established a Commission of Inquiry charged with investigating allegations of rape and sexual abuse, which began its work on 28 July 2009. Owing to the politically sensitive nature of crimes of sexual violence and the social stigma associated with them, the former United Nations Development Fund for Women (UNIFEM) identified a need to shelter victims in safe houses for the duration of the investigation. As the Court was the only organization in Sierra Leone with the capability of providing protection services for victims and witnesses, it partnered with UNIFEM-Sierra Leone to provide the requested assistance throughout the work of the Commission.

26. The Special Court's Outreach Section pioneered outreach activities specifically tailored to women and girls in order to ensure that they participate fully and equally in post-conflict justice and reconciliation. The Special Court for Sierra Leone outreach programme is unique because its message is to educate and inform women about the rule of law and the Special Court, while soliciting and taking into account their expectations and desires for justice and lasting peace. The Court has partnered with local and international women's groups and non-governmental organizations in order to reach women and girls who would not generally participate in the outreach programme for personal or cultural reasons.

27. In responding to the needs expressed by women, the Special Court has shared information and resources with personal empowerment, training, medical, counselling and support services that work with the Registry. Recognizing the importance of reintegrating women victims and providing them with the means to participate fully in society, in September 2009, the Court implemented a project to provide tailoring skills for war victims. Four women and one young man received skills training from September 2009 to March 2010.

C. Capacity-building

28. The Special Court was created because the conflict had destroyed Sierra Leonean legal and judicial institutions, and Sierra Leone did not have the resources or expertise to ensure justice alone. The Court has implemented a number of programmes and activities to build the capacity of the national legal system. It is also transferring significant legal and practical knowledge to the Sierra Leonean criminal justice system in order to strengthen its capacity. By bringing together national and international staff, the Court enables highly effective knowledge transfer through the daily exchanges of ideas and professional cooperation. This undertaking will benefit not only the individuals, but also the region.

29. In 2009, the Office of the Prosecutor initiated a training programme for local police prosecutors as one of its major capacity-building initiatives. The purpose of this project is to introduce participants to the basics of prosecutorial skills, strategy and ethics. It covers topics on the objectives of prosecution, witness and victim

management, case management, police liaison with the Prosecutions Department, analysis of the rules as to information and indictment, and the ethics of prosecuting. Over 200 police prosecutors have benefited from the programme.

30. On 16 and 17 October 2009, a juvenile justice training programme was organized in the Courthouse by Ms. Umu Hawa Tejan-Jalloh, Chief Justice of the Republic of Sierra Leone, Ms. Julia Sarkodie-Mensah, Consultant Master and Registrar of the High Court of Sierra Leone, and Justice Renate Winter, the former President of the Special Court. Thirty-five national judicial officers attended and were trained in juvenile justice matters.

31. The Registry continues to work with the Sierra Leone Police in order to establish a national witness protection unit. The unit will provide support to threatened witnesses in national cases, including organized crime, gender-based violence and corruption cases. Furthermore, it will assist the Residual Special Court to protect its witnesses. In 2009, the Special Court conducted training with 38 police officers in witness protection skills. Since that time, the Court has worked with these officers and senior Sierra Leone Police leadership to provide witness protection in specific cases so as to support the national judiciary. The Court will continue to work with the Sierra Leone Police in order to formally establish the unit prior to the Court's closure.

32. Professional development for the staff of the Special Court and those of other relevant national institutions has been a priority for many years. The Court's training sessions make it possible for skills to be transferred to national staff and institutions. In addition to other programmes, the Court conducted an archive management training programme. The programme involved nine sessions and the final three-day sessions on "planning an archival building" and "disaster planning", which were conducted in June and July 2010. The total course lasted 36 days and had 21 participants, the majority of whom were from national archival institutions.

33. The Special Court also provides recent graduates and legal associates from Sierra Leone with the opportunity to work with and learn from the Court's staff in a wide range of fields. In particular, the legal associates are involved in the research and drafting of motions, decisions and judgements, and can learn from the guidance of their supervisors. Often former participants return to the national judicial system and are able to apply their experience of the international criminal system.

D. Archives development programme

34. The Set of principles for the protection and promotion of human rights through action to combat impunity, adopted by the United Nations Office of the High Commissioner for Human Rights, points to the importance and maintenance of, and access to, archives as a way to safeguard against future violations. The Special Court recognizes that the long-term management of its records involves the balancing of the victims' right to know about the work of the Court with the right of witnesses, Governments, non-governmental organizations and other organizations to continue to be protected from damaging public disclosure by the institution. The Court also recognizes that many of its judicial records are deeply significant to the victims, witnesses, their families and the future generation of Sierra Leone.

35. With this in mind, the archives development programme works to ensure that the records of the Special Court are safeguarded well into the future, while developing access and security policies to regulate access to public records and guarantee that there will be no unauthorized disclosure of confidential records.

36. The archives development programme is organizing and preparing the records and audiovisual tapes of the Special Court for permanent storage as an archive. Preparation of the hard copy and electronic archive is well under way. The Court has appraised its records to identify the permanent collection for long-term preservation. Before they are catalogued and packed, records are given a security classification to ensure appropriate management of the collection after the Court closes. In addition, the records collection is being prepared in electronic form.

37. In December 2010, the Registry successfully transferred the permanent records of the Special Court in its three completed trials from Freetown to The Hague for assembly and digitization so that copies remain accessible where they are maintained in Freetown, while the more perishable originals are now being stored by the Government of the Netherlands in the Dutch National Archives. This transfer was consistent with the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Residual Special Court for Sierra Leone (RSCSL Agreement), which provides that while the Residual Special Court is temporarily located in The Hague, the archives are to be co-located with the Residual Special Court. The United Nations and the Government of Sierra Leone may at any time agree to relocate the original archives to Sierra Leone when there is a suitable facility for their preservation and sufficient security to maintain them in accordance with international standards. This transfer followed months of preparatory work at the Special Court and was made possible by the cooperation and assistance of the Government of Sierra Leone, the Government of the Netherlands, the Royal Netherlands Air Force, the Management Committee and the Mongolian Guard Force. The Special Court continues to archive its permanent records in preparation for the transition to the Residual Special Court.

E. Peace Museum

38. The Special Court was created to contribute to national reconciliation and the restoration and maintenance of peace in Sierra Leone and the region. In support of this goal, the Peace Museum will open shortly to tell the story of Sierra Leone's decade-long conflict and its return to peace, and honour the victims of the conflict. It will also contain an archive of war-related materials, including the permanent archives of the Special Court.

39. The goal of the Peace Museum project is to establish a museum designed by national stakeholders that would memorialize the conflict and the peace process. In collaboration with the Government, the Special Court developed a project proposal to establish a memorial on the Court's Freetown site that would include an exhibition, a memorial and an archive of war-related materials. In December 2010, the United Nations Peacebuilding Fund approved a grant of $195,000 for the Court to realize this vision and the Peace Museum project began officially in March 2011. Significant progress has been made on each of the Peace Museum's components: the archive; the memorial; and the exhibition.

40. In December 2011, the Sierra Leone Human Rights Commission transferred the records of the Truth and Reconciliation Commission to the Special Court. The Court is working with the Commission to organize and digitize the Commission's records for inclusion in the Museum. A public copy of the Court's records is ready to be transferred to the Museum, together with the Court's law library.

41. In 2011, a competition was held to design the Museum's memorial. The memorial is intended to honour the victims of the war and convey a message to future generations about the consequences of violent conflict. In March 2011, a panel of judges interviewed the entrants and selected the winning design. The memorial will take the form of a garden in an enclosed portion of the site.

42. Preparations for the exhibition are also under way. The Special Court's former security building is currently being reconfigured for the Museum. The Sierra Leone Union of Photographers has donated a collection of photographs that convey the history of the conflict. Additional artefacts are being collected. The Court is working with the people of Sierra Leone to design the exhibition.

43. In April 2011, the Peace Museum opened a three-day preview exhibition, which was organized as part of celebrations for Sierra Leone's fiftieth independence anniversary. During the exhibition, videos such as "The Sierra Leone Story" on the country's independence were aired, materials relating to the "national vision" of the Truth and Reconciliation Commission were displayed and a preview was shown of the Special Court's archives. In addition, a number of historical documents were loaned from the National Archives to complement the preview exhibition.

F. Witness support and protection

44. The Special Court's cases have involved significant use of witness testimonies for evidence. As in any international tribunal, where former political and military leaders are among the accused, rigorous measures are required to ensure that witnesses are able to testify without fear of intimidation. This is even more important in the context of Sierra Leone's civil war, where victims and perpetrators often lived in the same communities. Furthermore, the Court's witnesses often recount extremely traumatic events and the Court has a duty to support their courage in testifying.

45. Since the inception of the Special Court, the Witness and Victims Section has facilitated the appearance of 545 witnesses before the Court. The Section constantly evaluates the threat faced by the Court's witnesses and provides the appropriate protection.

46. As the Special Court approaches completion of its mandate, the Witness and Victims Section has responded to an increased number of security concerns. Outreach activities were held in relevant communities, highlighting the witness protection capabilities of the Court and the Residual Special Court. In particular, the Section has responded to witness concerns relating to the contempt proceedings, the increased risk of reprisals in case of any election violence in Sierra Leone and the release of the first convicted persons following completion of their sentences.

47. In the weeks preceding the delivery of the *Taylor* trial judgement, the Witness and Victims Section received an increased number of calls relating to security concerns from witnesses in Liberia. The Registry and the Section coordinated with

the United Nations Mission in Liberia, in Monrovia, to obtain the local consultation and support that would be needed in case of scenarios that required on-the-ground presence or response. Despite concerns of escalating tension, however, the delivery of the judgement proceeded smoothly, without incident in Sierra Leone or Liberia.

48. The Special Court's obligation to its witnesses does not end with the final judgement of the Court. If the Court fails to respond adequately to ongoing threats against witnesses, it would put its witnesses and the credibility of the international criminal justice system at risk. The ongoing support of the international community to ensure that resources for the Residual Special Court are sufficient to keep faith with the witnesses and their families after the Special Court closes its doors is vital not only to the legacy of the Court, but also to the future of any other court that seeks to fight impunity and requires the assistance of witnesses to do so.

IV. Preparations for closure

A. Residual Special Court for Sierra Leone

49. The RSCSL Agreement was signed in August 2010. It was ratified by the Parliament of Sierra Leone in December 2011 and gazetted in February 2012.

50. The Residual Special Court is mandated to perform essential residual functions following the closure of the Special Court, including (a) enforcement of sentences: monitoring and overseeing prisoners serving their sentences and deciding on applications for early release and/or pardon, made by prisoners or their host States, (b) witness protection: enforcing and overseeing the implementation of witness protection orders, (c) management of archives: preserving and providing access to the archives of the Special Court, (d) contempt of court: referring or adjudicating contempt of court cases, (e) review of judgements: adjudicating requests for review of the judgements of the Special Court, and (f) at-large accused: referring or adjudicating the trial of the indicted and at-large accused.

51. The Residual Special Court will be a small, lean body. The secretariat will comprise six to eight staff. There will also be a roster of approximately 16 judges who will be paid only for the time they work. Like the Special Court, the Residual Special Court will be funded through voluntary contributions. In the event that judicial proceedings, such as contempt of court or a trial of the at-large accused, are initiated, additional funding would be required.

52. The Residual Special Court will have its interim seat in The Hague, with a branch or sub-office in Freetown. The Special Court has entered into discussions with several institutions in The Hague and Freetown regarding the provision of an administrative platform for the Residual Special Court. In Freetown, the Special Court has engaged in discussions with the United Nations Development Programme and continues to search for an appropriate host institution. In The Hague, negotiations are under way with the International Criminal Tribunal for the Former Yugoslavia regarding a shared information technology platform and storage facilities. By utilizing a shared administrative platform, the Residual Special Court will operate efficiently and generate savings through means that include reduced post funding requirements and general operating expenses, and reduced infrastructure, equipment and administrative service costs. The different funding mechanisms for the Residual

Special Court and the Tribunal may pose administrative barriers and could generate additional administrative costs; however, it is hoped that practical ad hoc solutions can be found to ensure the most cost-efficient and effective provision of support for the Residual Special Court.

B. Liquidation and downsizing

53. During negotiations leading to the signing of the RSCSL Agreement, the parties agreed that, in the liquidation of assets, any assets not required by the Residual Special Court would be transferred to the Government of Sierra Leone. This agreement was formalized in article 12 of the RSCSL Agreement and became part of the Special Court's liquidation policy. In August 2011, in accordance with the approval of the Attorney-General of Sierra Leone, the Special Court disposed of the first set of assets. Vehicles, communications equipment, data processing equipment and some office equipment were transferred to the Government of Sierra Leone.

54. The Government of Sierra Leone allocated land in New England, Freetown, for the exclusive use of the Special Court during its operations. The Freetown site will be fully handed over to the Government of Sierra Leone upon completion of the Court's mandate. This process is already under way. In May 2010, the former detention centre was handed over to the Sierra Leone Prison Service to become a women's prison. In addition, part of the Court's site in Freetown is now a law school and peace museum. Finally, another part of the site will shortly be handed over to the Sierra Leone Police for use by Sierra Leone's National Witness Protection Unit.

55. Downsizing at the Special Court has continued, with the completion of cases and the achievement of milestones in the *Taylor* case. From a peak of 424 staff members, the Court downsized to 90 staff members in June 2012. Posts are removed as soon as the relevant judicial or administrative milestone is reached, while utilizing "double-hatting" to ensure that the Court maintains the minimum diversity of professional skills required to fulfil its mandate. The Court has taken steps to minimize costs as it approaches closure. With the implementation of phased downsizing resulting in fewer staff, the Court has restructured its sections to streamline its management arrangements.

C. Transition to the Residual Special Court

56. The transition to the Residual Special Court must take place immediately upon closure of the Special Court. The Special Court is mandated to ensure that the transition to the Residual Special Court is orderly and efficient, and that the Residual Special Court is able to immediately take over its responsibilities following the closure of the Special Court.

57. Judicial and practical arrangements for the smooth transition to and functioning of the Residual Special Court are being put in place. The Residual Special Court is a new institution and arrangements must be made for its functioning. In addition to many practical arrangements, judicial instruments and policies will need to be developed and put in place. It will also be necessary to directly hand over ongoing matters related to witness protection and enforcement of sentences.

V. Remaining tasks

58. The Special Court anticipates completing its mandate by 30 September 2013. It will then close its doors and the Residual Special Court will be created. From now until then, there is significant work to be done in three areas: issuance of judgements; transition of responsibilities; and transfer of experience and physical and intellectual assets.

59. The Appeals Chamber must issue its judgement in the *Taylor* case and enter a final judgement on his guilt or innocence. The Special Court will also adjudicate to completion the contempt cases that fall within its jurisdiction.

60. The Special Court must ensure a smooth and successful transition of responsibilities to the Residual Special Court.

61. Moreover, the Special Court must preserve and hand over the results of its mandate. It is a model for positive complementarity and a blueprint for hybrid/internationalized criminal courts operating in post-conflict areas. Its experiences and lessons learned can benefit other national efforts to pursue post-conflict justice in their territories. The Court must preserve and effectively hand over not only its physical assets, but also its intellectual assets, including archives, replicable programmes and jurisprudence.

VI. Conclusions

62. At the end of May 2012, the Special Court, with funding from the European Union, commissioned a nationwide survey in Sierra Leone and Liberia, which was conducted on the impact and legacy of the Special Court for Sierra Leone by the international non-governmental organization No Peace Without Justice and its partners. The purpose of the survey was to record the public's understanding about the mandate and operations of the Court, and establish its impact through its judicial proceedings, legacy work and outreach programme. The survey was administered throughout Sierra Leone and Liberia to 2,841 individuals, representing diverse walks of life, sexes and age groups, with an emphasis on ensuring the inclusion of historically overlooked voices, including women, young persons and persons with disabilities. The survey found that 79.16 per cent of those questioned in Sierra Leone and Liberia believe the Special Court has accomplished its mandate, which, according to them, is first and foremost to carry out prosecutions, as well as to bring justice and peace, and to establish the rule of law. The survey also found that 91 per cent of Sierra Leoneans and 78 per cent of Liberians believe the Court has contributed to bringing peace in their countries. These important achievements were attributed to "the work of the Outreach Section and to the vision established during the early stages of the Court of it being an institution embedded in and responsive to the expectations and needs of the people of Sierra Leone and Liberia". An advance copy of the report is available for Security Council members, so the Council can see the wide and deep impact the Court has had on ending impunity, strengthening the rule of law, restoring peace and bringing victims a sense of redress, which 81 per cent of those surveyed believe was achieved also by obtaining justice.

63. The Special Court has delivered on its mandate. It estimates that it will complete its work in 11 months and 3 weeks. Moreover, it is fully dedicating its efforts to completing its remaining work as expeditiously and efficiently as possible,

while fully protecting the rights of the parties and ensuring the fairness of the proceedings.

64. The Special Court has achieved unprecedented success in delivering on the ambitious goals set for it by the Government of Sierra Leone and the United Nations. It was the first partnership between national authorities and the United Nations to create a credible system of post-conflict justice that met international standards of justice. It was also the first hybrid tribunal created to assist a State that desired post-conflict justice but did not have the capacity to ensure it. In addition, it was the first tribunal to carry out its work in the territory where serious violations of international humanitarian law were committed.

65. The Special Court has made unprecedented contributions to gender justice. It laid the foundation in international criminal law regarding forced marriage, sexual violence as terrorism, sexual slavery and the recruitment and use of child soldiers — a crime that victimized an estimated 10,000 girls and boys during the conflict. The Court fully recognized the range of crimes that target women and girls. It considered both the physical and psychological trauma suffered by victims, most notably by recognizing forced marriage for the first time as a crime against humanity and sexual violence as an act of terrorism. Critically, the Court's jurisprudence also demonstrates the importance of understanding gender-related harms from the point of view of those women and girls who have experienced them, and their suffering within local cultural contexts.

66. The Special Court has developed the jurisprudence of international criminal law. It was the first to consider many significant issues of international law. It also made important contributions to the law of war crimes and crimes against humanity, in particular in the context of the Sierra Leonean conflict. Its jurisprudential contributions and legacy include national amnesties under international law, Head-of-State immunity, gender-based violence, acts of terrorism, collective punishment, the conscription and use of child soldiers, and attacks on peacekeepers.

67. The Special Court represents an effective partnership between the Government and people of Sierra Leone and the United Nations to promote justice and fight impunity for the crimes committed in Sierra Leone. It has been privileged to play a part in contributing also to national reconciliation and to the restoration and maintenance of international peace and security in the region. The staff and judges of the Court are grateful to Sierra Leone and the United Nations for their support for this endeavour.

68. The Special Court hopes and trusts that the international community will continue to stand by it and enable it to complete its final remaining work over the coming 11 months.

69. In the same spirit, the Special Court has faith that the Security Council, States Members of the United Nations and the international community will remember that the closing of the Court does not mark the end of the commitment made to the people of Sierra Leone. The Court therefore requests the international community to extend to the Residual Special Court its encouragement and financial support.